

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

GEORGE HUMPHRYS, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

TD AMERITRADE HOLDING  
CORPORATION and TD AMERITRADE,  
INC. F/K/A TD WATERHOUSE  
INVESTOR SERVICES, INC.,

Defendants.

Civil Action No. 08-CV-02912

**MOTION OF THE SILVERSTEIN GROUP FOR  
(1) APPOINTMENT AS LEAD PLAINTIFF AND  
(2) APPROVAL OF THEIR SELECTION OF LEAD COUNSEL**

Sheldon Silverstein and Stephen Stock (collectively referred to as the “Silverstein Group”), by its counsel, hereby respectfully moves this Court to: (i) be appointed Lead Plaintiff in the above-captioned securities class actions; and (ii) approve its selection and retention of Levi & Korsinsky as lead counsel.

In support of this Motion, the Silverstein Group submits herewith a Memorandum of Law, the Declaration of Joseph E. Levi with accompanying exhibits, and a Proposed Order.

DATED: May 19, 2008

/s/ Joseph E. Levi

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**LEVI & KORSINSKY, LLP**

Eduard Korsinsky (EK 8989)  
Joseph E. Levi (JL 0848)  
Juan E. Monteverde (JM 8169)  
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*Proposed Lead Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

Juan E. Monteverde, being duly admitted attorney authorized to appear before the US District Court, Southern District of New York, under penalties of perjury, affirms as follows:

1. I am over eighteen years of age and am not a party to the above referenced matter.

2. On May 19, 2008, I served Notice of Motion, Memorandum in Support, Declaration of Joseph E. Levi in support and [proposed] Order on:

**Richard John Morillo**

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**ATTORNEYS FOR DEFENDANTS**

**Christopher Adam Seeger**

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**ATTORNEYS FOR PLAINTIFF IN THE NEW YORK ACTION**

the address designated by said attorneys for that purpose, by depositing a true copy thereof, in a first class pre-paid envelope properly addressed as indicated above.

Dated: New York, NY  
May 19, 2008

/s/ Juan E. Monteverde

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Juan E. Monteverde